

Remarks

Claims 1-15 are currently pending in this application. By the Office Action dated February 26, 2007, the Examiner has required restriction of the application to either Species 1: a prosthetic repair device comprising layers of either non-absorbable material or absorbable materials, or Species II: a prosthetic repair device comprising a nonabsorbable porous material encapsulated with absorbable components.

Applicants respectfully disagree with the Examiner's rejection, and particularly with the Examiner's statements that the two noted species "require separate structural configurations," and that no claims are generic to both species. Applicants first point out that claim 1 does not require a layered configuration at all, and therefore is believed to be generic. Further, a layered structure *may* provide the "encapsulation" recited in original claim 9, for example by having the nonabsorbable material enclosed by two layers of the first absorbable material, one on each side. Thus, "encapsulation" cannot be said to require a separate structural configuration. As such, applicants respectfully request that the restriction requirement be withdrawn.

Nevertheless, applicants elect, with traverse, Species I and original claims 1-8.

Applicants believe that no fee is due in connection with this response. The Commissioner is hereby authorized, however, to charge any additional fees that may be required to Account No. 10-0750/ETH5113/MJS. This Authorization is being submitted in triplicate.

Respectfully submitted,

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